

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No.80295

Angel Black

5753 Utrecht Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on August 11, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-4-201; Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1, failure to store trash properly in cans with tight fitting lids on residential property zoned DR 10.5 known as 5753 Utrecht Road, 21206.

On July 23, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Jason Seidelman issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$2,000.00 (two thousand dollars).

The following persons appeared for the Hearing and testified: Angel Black, Respondent and, Jason Seidelman, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on June 29, 2010 for storage of garbage in cans with tight fitting lids. This Citation was issued on July 23, 2010.

B. Inspector Jason Seidelman testified that he initially closed this case after re-inspection found the violations corrected, but then issued this Citation after the violations recurred. Photographs in the file show garbage cans overflowing with bagged garbage, without lids in place. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

C. Angel Black, property owner, testified that she has lids and will ensure that the garbage is properly stored. Because compliance is the goal of code enforcement, the civil penalty will be rescinded if re-inspections find the violation corrected; re-inspections over an extended period will be required because of the recurring violations. Respondent is advised that under Departmental policy, future violations will be subject to immediate Citation with possible civil penalty.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$200.00 (two hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if re-inspections between the date of this Order and October 1, 2010 finds the violations have been corrected.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 17th day of August 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.

MZF/jaf